



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

- A. Full legal name and any former names.

Karl Lossé Mulvaney

- B. Current home and office addresses, including email addresses and telephone numbers.

Home:

Office: Bingham McHale, LLP
2700 Market Tower
10 W. Market Street
Indianapolis, IN 46204
(317) 635-8900
(317) 968-5400 (direct)

- C. Date and place of birth.

October 18, 1949

Bridgeport, CT

- D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

III. A. State in what county you currently reside and since what date.

Marion – 1968 to present

B. List all previous counties of residence, with dates.

No others

C. When were you admitted to the Indiana Bar?

October 11, 1977

D. Are you currently on active status?

Yes

E. What is your attorney number?

9255-49

IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
The Ohio State University	1968-72	B.S. <i>cum laude</i>

B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University School of Law- Indianapolis	1974-1977	J.D. <i>cum laude</i> 81 of 207

C. Describe any academic honors, awards, and scholarships you received and when.

Ohio State University – Athletic Scholarship-Baseball (1968); Deans List 7 of 12 quarters; Kappa Phi Kappa Professional Education Fraternity, President and Treasurer (1970-72); Honor Graduate

United States Army Air Defense School, Ft. Bliss, TX, Distinguished and Honor Graduate, Battalion Outstanding Trainee, Advanced Individual Training (1972)

Army Commendation Medal for Meritorious Service, United States Army Base Command, Okinawa (June 24, 1974)

Indiana University School of Law-Indianapolis – Deans List (Spring 1975), Cleon Foust Award given by Phi Delta Phi Legal Fraternity (1977); Honor Graduate

Indiana State Bar Association Best Article Award (1989)

Sagamore of the Wabash from Governor Evan Bayh (1991)

Fellow, American Academy of Appellate Lawyers (2003)

Defense Trial Counsel of Indiana, Diplomat Award (2004)

Indianapolis Bar Association, Professionalism Award (2007)

Indiana State Bar Association, Civility Award (2009)

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

United States Army

Ft. Knox, KY, Basic Training (6/21/72-8/30/72)

Ft. Bliss, TX, Advanced Individual Training, Army Air Defense School, Fire Control Operator Hawk Missile System (8/30/72-11/20/72)

Ft. Buckner, Sukiran, Okinawa, Personnel Specialist (12/9/72-6/10/74)
Highest Rank – Specialist 4th Class

Bryant Air Conditioning, Indianapolis – line assembler (6/74-8/74)

Law School – Indiana University School of Law – Indianapolis (1974-1977)

Indiana Judicial Center – Law Clerk (1/75-12/20/76)

Indiana Supreme Court, Administrator's Office – Law Clerk (12/23/76-6/30/78)

Indiana Supreme Court, Assistant Court Administrator (7/1/78-4/30/84)

Indiana Supreme Court, Administrator (5/1/84-12/31/91)

Bingham McHale, LLP, formerly Bingham Summers Welsh & Spilman, LLP, Indianapolis, Partner (1/1/92-present)

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

Indiana Supreme Court – reviewed Petitions to Transfer in civil cases and drafted and reviewed bench memos for the Court for all of those cases; motions practice/drafted court orders; occasionally drafted opinions; screened original actions and set cases for hearing; attended court conferences, presented cases at conference; public contact officer for the Court; responsible for budget and personnel issues for the Court; Liaison to Court agencies such as the Board of Law Examiners, the Indiana Supreme Court Disciplinary Commission, The Indiana Judicial Center, and Indiana Continuing Legal Education Commission.

Worked for: Chief Justice Randall T. Shepard, Chief Justice Richard M. Givan, Justice Norman F. Arterburn, Justice Donald H. Hunter, Justice Roger O. DeBruler, Justice Dixon W. Prentice, Justice Alfred J. Pivarnik, Justice Brent E. Dickson, Justice Jon D. Krahulik, Lloyd C. Hutchinson, Administrator. Worked with: Bruce Kotzan, State Court Administrator; Lilia Judson, Assistant State Court Administrator (now Administrator) and clerks and staff attorneys: Donald Tribbett; Dean Donnelson, Gary Price, Gary McCurley; Douglas Brown, Mark Bates, Terri Newman-Worrell, Eva Sweeney, Kim (Bradford) Jackson, Julia Orzeske, and Sandra Boyd.

Bingham McHale LLP – Appellate work, including original actions, in state and federal courts; have briefed hundreds of cases on wide variety of issues, and personally argued in excess of 100 cases in the Indiana Supreme Court, Indiana Court of Appeals, the United States Court of Appeals for the Seventh Circuit, and the United States Court of Appeals for the Federal Circuit; have defended numerous cases in the United States Supreme Court and have participated in filing one Petition for Writ of Certiorari; have also appeared and argued post-trial motions or represented parties in bench trials (see ¶ V (C) below) in 27 counties; represented lawyers before the Indiana Supreme Court Disciplinary Commission; prepared ethics opinions; occasional representation of judges in T.R. 60.5 disputes and other

matters, and one representation of the Indiana Supreme Court; represented parties in mediation; certified Indiana mediator; chair of Bingham McHale's Appellate Practice Group; chair of Bingham McHale's Professional Responsibility Committee.

Partners and attorneys worked with: Nana Quay-Smith, David Tittle, Martha Hollingsworth, Brian W. Welch, Randy Seger, Robert Hebert, Robin Babbitt, David Campbell, Jon Krahulik, Kandi Hidde, Phil Isenbarger, Wayne Turner, Kevin McGoff, Larry Kane, Katherine Shelby, Daniel Fagan, Michael Hartman, Richard Kiefer, Thomas Scherer, Scott Leisz, Phillip Fowler, Daniel Byron, Toby McClamroch, Anne Cowgur, Whitney Mosby, Gerald Gregerson, Chris Fowler, Kent Zepick, Greg Neibarger, Michael Limrick, John McCauley, Kenneth Munson, Dennis Cantrell, Candace Sage, Bri Kovac, Meggan Ehret, Julie Reed, Hans Steck, Kelly Eskew, Grant Clapacs, Margaret Christensen, Shannon Landreth, Rafael Sanchez, James Bell, Nathan Lundquist, Alex Gude, Kathleen Rudis and others.

C. Describe the extent of your jury experience, if any.

No jury trials but numerous bench trials; Eight Disciplinary Commission trials; one three-day mandate of funds (T.R.60.5) trial, *In the Matter of Courthouse Security of Tippecanoe County, Indiana*, Tippecanoe Circuit Court, Cause No. 79C01-0012-MI-00043; *See In the Matter of Courthouse Security of Tippecanoe County, Indiana*, 765 N.E.2d 1254 (Ind. 2002); and one annexation/remonstrance trial, *Certain Southeast, North and West Geist, Involuntary Annexation Territory Landowners, v. Town of Fishers*, Hamilton Superior Court No. 1, Cause No. 29D01-8404-MI-497, November, 2008.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

Limited judicial experience; on two occasions sat as *pro tempore* judge on sentence modifications and probation revocations for Judge Richard Good; judicially-related experience working for the Indiana Supreme Court from 1976-1991 described above in ¶ V (B).

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

Ford Motor Company, Petitioner v. Vicki Ammerman, Guardian of Pamela Ammerman, and Lana Ammerman, Respondents, U.S. Supreme Court Cause No. 99-1221, **Respondents' Brief in Opposition to Petition for Writ of Certiorari**, filed February 18, 2000. *See Ford v. Ammerman*, 705 N.E.2d 539 (Ind. Ct. App. 1999) *trans. denied, cert. denied*.

Outback Steakhouse of Florida, Inc. et al., Appellants, v. *David D. and Lisa Markley*, Appellees, Indiana Court of Appeals Cause No. 18A04-0401-CV-13, **Appellants' Petition to Transfer**, filed October 10, 2005, transfer granted by the Indiana Supreme Court, Cause No. 18S04-0602-CV-66. *See Outback Steakhouse v. Markley*, 856 N.E.2d 65 (Ind. 2006).

Infinity Products, Inc., Appellant v. *Herbert Quandt and Fabri-Tech, Inc.*, Appellees, Court of Appeals Cause No. 29A02-01050CV-280, **Appellee's (Fabri-Tech's) Petition to Transfer**, filed on January 3, 2003, transfer granted by the Supreme Court, Cause No. 29S02-0305-CV-226. *See Infinity Products, Inc. v. Herbert Quandt and Fabri-Tech, Inc.*, 810 N.E.2d 1028 (2004).

Ritter and The Kroger Co., Appellants, v. *Jerry Stanton and Ruth A. Stanton*, Appellees, Indiana Court of Appeals Cause No. 49A02-9912-CV-883, **Appellants' Petition to Transfer**, filed April 12, 2001. *See Ritter v. Stanton*, 745 N.E.2d 828 (Ind. Ct. App. 2001) *trans. denied, cert. denied*.

In the Matter of Daniel B. Stephens, Indiana Supreme Court Cause No. 45S00-0505-DI-244, **Opening Brief of the Indiana Trial Lawyers Association Demonstrating the Reasonableness of Contingency Fees in Medical Malpractice Cases Under Rule of Professional Conduct 1.5**. *See In re Stephens*, 867 N.E.2d 148 (Ind. 2007).

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

IND. ORIGINAL ACTION RULES; ORIG. ACT. R. (1981) – In 1980 during my time as Assistant Administrator of the Indiana Supreme Court, I proposed revisions to the Rules for Original Actions because the existing rules were only two pages long, and the procedure for filing petitions for writs of mandamus and prohibition were not located in any one place. With the Court's approval I proposed a draft set of rules with forms (12 ½ pages) to the Indiana Supreme Court Rules Committee, which rules, with revisions by the Rules Committee, were forwarded to the Court. The Supreme Court promulgated these rules after making its own revisions. The Rules for Original Actions in existence today are based on this foundation.

IND. ADMISSION AND DISCIPLINE RULE 29, ADMIS. DISC. R. 29 (1986) – During my time as Administrator in the mid-1980's the Court decided to require continuing legal education in connection with holding a license to practice law. I was tasked to help set up the Indiana Continuing Legal Education Commission with Judge Robert Staton of the Indiana Court of Appeals. Judge Sarah Evans Barker was selected by the Court to chair the committee to set up the Commission. I was responsible for rule and form drafting, coordinating with the Clerk of the Court for

collection of annual fees and generally for implementing Rule 29 as adopted by the Court. This rule has undergone substantial changes since 1986.

IND. TRIAL RULE 59; T.R. 59 (1989) – In 1988, after consultation with members of the Court, during my time as Administrator of the Court, I drafted revisions to T.R. 59, which abolished the requirement for a motion to correct error in all cases. I travelled with the Court to the judicial district meetings and made presentations to the trial judges about the proposal that the motion to correct error would continue to be mandatory after a trial only when there was an issue of newly discovered evidence or where the jury verdict would be challenged as excessive or inadequate. Most of the trial judges were receptive to the proposal because it eliminated much unnecessary review on issues fully considered during or before trial. The rule as drafted remains largely the same today as it was when it became effective in 1989.

IND. APPELLATE RULES; APP. R. (2001) – As the chair of the Supreme Court Rules Committee and a member of the State Bar Appellate Practice Section, I was involved in the lengthy process of drafting the “new” Appellate Rules. After the State Bar Appellate Practice Section finished its work, the Rules Committee engaged in an extensive review. After that, the Supreme Court asked me, and my partner Nana Quay-Smith, who chaired the final editing committee for the State Bar Appellate Practice Section, to meet in conference to discuss the various rules. The conference discussion lasted the better part of an afternoon.

Indiana Rules of Professional Conduct; IND. PROFESSIONAL CONDUCT RULES; PROF. COND. R. (2005) – In 2002-2003, as chair of the Supreme Court Rules Committee the Court asked that our committee participate with the State Bar Association in reviewing the ABA’s Ethics 2000 proposed amendments to the Model Rules of Professional Conduct. I coordinated with Carol Adinamis who was the chair of the State Bar Committee which was reviewing the rules, and participated in subcommittees and travelled to meet with local bar associations to discuss comments and concerns and to make revisions to the draft rules. After this process, and the Supreme Court’s own revisions, the Court promulgated the revised Indiana Rules of Professional Conduct that are in place today.

Supreme Court Committee on Rules of Practice and Procedure – I drafted and revised a wide variety of rules during 11 ½ years (1992-2003) on the Committee.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

“Fundamental Change in Indiana Appellate Procedure, Or What Happened to the Motion to Correct Error?” RES GESTAE, April 1989

“Something Old, Borrowed...and Overdue, Amended Interlocutory Appeal Rules,” RES GESTAE, December 1992; Julie Payne, Nana Quay-Smith, co-authors

“The Credible/Ethical Lawyer, Selected Recent Amendments to the Rules of Professional Conduct,” an article utilized in several forms in conjunction with a number of speeches including presentations to the Indiana State Bar, Appellate Practice Section, 2004; Indianapolis Bar Association, December 5, 2005; and the Indiana Judicial Conference, Fall Meeting, September 2007

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

“Fundamental Change in Indiana Appellate Procedure, Or What Happened to the Motion to Correct Error?” RES GESTAE, April 1989 (See ¶ VI (C), above)

Respondents’ Brief in Opposition to Petition for Writ of Certiorari, *Ford Motor Company v. Vicki Ammerman, Guardian of Pamela Ammerman, and Lana Ammerman*, U.S. Supreme Court Cause No. 99-1221, filed February 18, 2000 (See ¶ VI (A), above)

“The Credible/Ethical Lawyer, Selected Recent Amendments to the Rules of Professional Conduct,” Indianapolis Bar Association, December 5, 2005 (See ¶ VI (C), above)

Appellants’ Petition to Transfer, *Outback Steakhouse of Florida, Inc. et al. v. David D. and Lisa Markley*, Indiana Supreme Court, Cause No. 18S04-0602-CV-66 (See ¶ VI (A), above)

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

Foreclosure Mediation – Took foreclosure mediation training and was involved in one program at a near eastside community center and did one mediation (5/21/10) and expect to do others in Judge David Dreyer’s Court. Revised and provided foreclosure settlement forms to Elizabeth Daulton at the State Court Administrator’s office.

In the Matter of the Adoption of DC, 887 N.E.2d 950 (Ind. Ct. App. 2008) (participated in *pro bono* appeal received from Indiana State Bar Association, Appellate Section, *Pro Bono* Subcommittee; obtained reversal of adoption order where biological mother did not receive proper notice of adoption)

Jermaine Dodd v. State, Indiana Court of Appeals and Indiana Supreme Court, Cause No. 45A03-0802-CR-87 (with attorney James Bell from our office; assisted a Chicago attorney in this *pro bono* criminal appeal)

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

Matter of Lemond, 274 Ind. 505, 413 N.E.2d 228 (1980). This was a case I was involved in when I was the Assistant Administrator of the Indiana Supreme Court. The Indiana Supreme Court and Court of Appeals sat *en banc* on a contempt matter where the respondents, attorneys and judges, prevented enforcement of the decision in *In re Lemond*, 182 Ind. App. 626, 395 N.E.2d 1287 (1979), *trans. denied and trial stay dissolved* (May 29, 1980). My involvement included preparation of a memorandum on the original petition to transfer, interviewing the attorney bringing the information for contempt, personally delivering (with the Sheriff of the Supreme Court) the orders to appear and show cause, and drafting orders and a proposed opinion for approval of the Indiana Supreme Court and Court of Appeals after contempt was found. The case was significant because it involved the Supreme Court and Court of Appeals' application and enforcement of the relatively new Uniform Child Custody Jurisdiction Act and one of its purposes which was to thwart child stealing.

Ford v. Ammerman, 705 N.E.2d 539 (Ind. Ct. App. 1999) *trans. denied, cert. denied*. This products liability case involved a rollover accident of a Bronco II sport utility vehicle which severely injured Pam and Lana Ammerman. A judgment of \$18.2 million, after remittitur, was affirmed on appeal. This case was significant because it was one of the first rollover accident cases against Ford where a punitive damages judgment was upheld on appeal. The Court of Appeals found the evidence supporting the punitive damages judgment met the three-prong excessiveness test of *BMW of North America, Inc. v. Gore*, 517 U.S. 559, 116 S.Ct. 1589, 134 L.Ed.2d 809 (1996), and showed that Ford marketed and sold the Bronco II despite knowledge that it had a dangerous propensity to roll over. I argued the case against Ford's national counsel in the Indiana Court of Appeals. The Indiana Supreme Court denied transfer and we successfully defended against a petition for writ of certiorari in the United States Supreme Court.

Martin v. Richey, 711 N.E.2d 1273 (Ind. 1999). After the Court of Appeals decision finding the Indiana Medical Malpractice statute of limitations unconstitutional on its face, I was asked to present argument in the Indiana Supreme Court on transfer to uphold the statute. This case was significant because the Indiana Supreme Court found the occurrence-based statute of limitations to be constitutional on its face, but also decided that, as applied to this case, the occurrence-based statute was unconstitutional because the facts demonstrated that the plaintiff was not able to know of the alleged malpractice until after the two-year limitations period had run.

Outback Steakhouse v. Markley, 856 N.E.2d 65 (Ind. 2006). While the reversal of a \$39 million judgment is significant in some respects, the true significance of this case is that the Indiana Supreme Court would not allow the rule of law to be subverted, and unanimously found that plaintiffs' counsel's discovery misconduct in failing to provide answers to the most critical interrogatory in the case was not the type of conduct upon which any verdict could be founded. The defendant requested the names of all witnesses that supported their claim under the Dram Shop Act. The answer to the interrogatory failed to disclose the name of the most critical witness in the case, a waitress at the restaurant. A subsequent pre-trial deposition of the witness revealed testimony that fully supported the defendant. Plaintiffs' counsel again failed to disclose that they would call the same witness at trial to support the Dram Shop Act claim. During trial when the defendant justifiably believed that the witness would testify that there was no evidence to support Dram Shop liability, plaintiffs' counsel, without advance notice, called this witness out-of-turn, claiming they had just been contacted by her during trial and she felt she needed to "tell the truth." The witness then fully recanted her deposition testimony. A post-trial deposition revealed the failure of plaintiffs' counsel in not disclosing this witness. The Supreme Court vacated the judgment, and referred one of the plaintiffs' attorneys to the Indiana Supreme Court Disciplinary Commission for further investigation.

Clark County Council, et al. v. Donahue et al., 873 N.E.2d 1038 (Ind. 2007), *reh'g denied*. I represented the Clark County judges where probation user fees intended by statute to be used in providing probation services by the courts were being appropriated by the County Council to be used for payment of general fund budgetary items. The importance of this case involves the principle of judicial independence and implementation of state law as intended by the Indiana General Assembly.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

Jon Laramore
Baker & Daniels
Suite 2700
300 N. Meridian St.
Indianapolis, IN 46204
(317) 237-0300

Richard S. Eynon
Eynon Law Group, P.C.

555 First Street
P.O. Box 1212
Columbus, IN 47201
(812) 372-2508

Donald R. Lundberg
Barnes & Thornburg LLP
11 S. Meridian St.
Indianapolis, IN 46204
(317) 236-1313

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

“Fundamental Change in Indiana Appellate Procedure, Or What Happened to the Motion to Correct Error?” Res Gestae, 1989

“Something Old, Borrowed...and Overdue, Amended Interlocutory Appeal Rules,” Res Gestae, 1992; Julie Payne, Nana Quay-Smith, co-authors

The Credible/Ethical Lawyer, Selected Recent Amendments to the Rules of Professional Conduct, an article utilized in conjunction with a number of speeches including presentations to the Indiana State Bar, Appellate Practice Section, 2004; Indianapolis Bar Association, December 8, 2005; and The Indiana Judicial Conference, Fall Meeting, September 2007

The International Legal Fraternity of Phi Delta Phi, 44th President (1993-1995), Vice-President, Member of Council, Chief Justice and Justice, Province President and Assistant Province President; Magister and Exchequer during law school (1974-present). While President, Vice-President and a member of the Phi Delta Phi Council, I travelled to law schools across North America promoting ethics and professionalism. During my term as President, I was honored to be on an initiation panel in Tucson with Chief Justice William Rehnquist, and on other occasions to initiate, among others, Chief Justice Jean Hoefer Toal, of the South Carolina Supreme Court, and Associate Justice Alan C. Page, of the Minnesota Supreme Court. I remain active in promoting Phi Delta Phi's mission of professionalism and ethics by visiting law schools each year and speaking on ethics and conducting initiation programs. As a past member of the Court of Appeals of Phi Delta Phi, I annually helped select Balfour Scholarship and other award winners.

Brief of Amicus Curiae for Mexican Consul, State of Indiana ex rel. Indiana State Bar Association and Attorney General for the State of Indiana v. Ludy Diaz, Indiana Supreme Court Cause No. 94S00-0312-CV-589. See *State of Indiana ex rel. Indiana State Bar Association, et al. v. Diaz*, 838 N.E.2d 433 (Ind. 2005) (supported Indiana State Bar Association case against notary publics (*notario publico*) unauthorized practice of law)

Chair and member of Supreme Court Committee on Rules of Practice and Procedure (1992-2003) (helped draft numerous rule amendments including appellate rules; and helped with implementation of revised Indiana Rules of Professional Conduct adopted in 2005)

Member of Local Rules Committee (2004) chaired by Judge Margaret Robb, which proposed draft local rules with a standard format. That format is now used in all Indiana counties

Past President, Officer and current member of the Council for the Indiana State Bar Appellate Practice Section (worked with George Patton to help get this section founded in the mid-1990's; and helped with the passage of the "new" Indiana Rules of Appellate Procedure in 2000; and continue to serve on the Council which works on various appellate issues)

Presenter and author for numerous CLE programs on appellate work and ethics; preparation of a variety of articles, checklists and forms for these programs

Participation in Foreclosure Mediation Training and mediations

Chair-Bingham McHale Professional Responsibility Committee (1996-present)

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

During the month of October 2008, prior to the general election, I represented Lake County Republican Party in five different courts (Lake Superior Court, Lake Circuit Court, Indiana Court of Appeals, Indiana Supreme Court, and United States District Court, N.D. Indiana, Hammond Division – I personally presented argument in three of these courts) on the issue of whether Lake County had implemented early voting in accordance with law. The following is a list of the individual case captions:

John B. Curley, as Chairman of the Lake County, Indiana, Republican Central Committee, et al. v. Lake County Board of Elections and Registration, et al., Lake Superior Court Cause No. 45D02-0810-PL-00190;

John B. Curley, et al. v. Lake County Board of Elections and Registration, et al. and Linda Peterson, et al., United States District Court for the Northern District of Indiana, Hammond Division Case No. 2:08-cv-00287-JVB;

United Steelworkers District 7, et al. v. Lake County Board of Elections and Registration, Lake County Circuit Court Cause No. 45C01-0810-PL-00256;

State of Indiana on the Relation of John B. Curley, et al. v. Lake County Circuit Court, and Honorable Lorenzo Arredondo, as Judge Thereof, Indiana Supreme Court Cause No. 45S00-0810-OR-555;

John B. Curley, et al. v. Lake County Board of Elections and Registration, and the Honorable Thomas Philpot, not individually but as Lake County Clerk and Linda Peterson, et al. and United Steelworkers District 7, et al. and Lake County Board of Elections and Registration, Indiana Court of Appeals Cause No. 45A03-0810-CV-512;

See, Curley v. Lake County Bd. of Elections and Registration, 896 N.E.2d 24 (Ind. Ct. App. 2008), *trans. denied* (3-2).

Isanogel Center, Inc. v. Father Flanagan's Boys' Home, d/b/a Girls and Boys Town, 839 N.E.2d 237 (Ind. Ct. App. 2005), *trans. denied*. I assisted local charity in a will contest against a national charity which had caused a large gift to be forfeited after over 50 years. On appeal we obtained a reversal thereby allowing the Delaware County charity to continue its work of providing camps and activities for handicapped children in keeping with the directions of the testatrix.

Winkler v. Winkler, 689 N.E.2d 447 (Ind. Ct. App. 1997), *trans. denied*. This case raised important social issues within the deaf community. On an emergency basis I defended against a stay in the Indiana Court of Appeals where the trial court had ordered a change in custody between two profoundly deaf parents. On appeal we successfully defended the trial court judgment to allow the father to raise the children, who were not profoundly deaf, in a more mainstream environment.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Member, Indiana Judicial Nominating and Qualifications Commission (1999-2001)

Indiana Bar Foundation, assisted in organizing and soliciting funds for Richard M. Givan Loan Repayment Assistance Program (LRAP) which seeks funds to help repay student loans for those law students going into public assistance law (2009-2010) (Have stopped this activity for the time being pursuant to Code of Judicial Conduct Rule 3.7 assuming it applies to candidates or those seeking judicial appointment).

Indianapolis Bar Foundation Board Member and Fellow, Scholarship Subcommittee (2003-2008); Golf Committee (2007-present)

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Chair and Member, The Indiana Supreme Court Committee on Rules of Practice and Procedure (1992-2003)

The International Legal Fraternity of Phi Delta Phi, 44th President (1993-1995), Vice-President (1991-1993), Member of Council (1987-1991), Chief Justice (1995-1997), Justice (1997-2003), Province President (1983-1987), Assistant Province President (1978-1983); Magister and Exchequer during law school (1975-1977). *See ¶ VII (A), above.*

Indiana State Bar Association; Appellate Practice Section (1996-present), Member of Council, Chair (2002-2003); Advertising Committee (2006-present), Chair (2009-2010)

American Academy of Appellate Lawyers (2003-present)

American Bar Association; Member Committee of Appellate Staff Attorneys 1985-1991; Judicial Conference, Appellate Attorneys Division, (2007-present)

Seventh Circuit Bar Association (1992-Present)

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Broadmoor Country Club – no restrictions

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

Numerous CLE programs on various appellate topics and ethics issues for Indiana Continuing Legal Education Forum, Indiana State Bar Association, and Indianapolis Bar Association and other organizations for the past 27 years. Most of these programs involved preparation of written materials coupled with a presentation lasting 45 minutes to an hour. Below is a list of some of those seminars.

Indiana Continuing Legal Education Forum, Appellate and Ethics Seminars, 1983, 1986, 1988, 1990, 1991, 1994, 1996, 1997, 1998, 2000, 2001, 2003, 2004, 2006, 2007, 2009

Defense Trial Counsel of Indiana, Rookie Seminar, "Appeals," 1998, 2001, 2003

ICLEF, Indiana Law Update Seminar, 1989, 2004

Judicial Conference of Indiana, "Ethics, More Than The Rules & A Little Bit About The Rules," 2007 (ninety (90) minute speaking and panel moderation).

ICLEF and Indianapolis Bar Association, "Ethics Seminars," 1996, 1999, 2000, 2005, 2006

G. Describe your hobbies and other leisure activities.

Golf, assembling golf clubs for others and to donate to bar associations and charity auctions, travel, photography, American and world history, and classical music.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Hon. Sarah Evans Barker
Judge, United States District Court
Southern District of Indiana, Indianapolis Division
210 Birch Bayh Federal Building & U.S. Courthouse
46 E. Ohio St.
Indianapolis, IN 46204-1903
(317) 229-3600

Hon. John G. Baker
Chief Judge, Indiana Court of Appeals
Room 419
State House
200 West Washington St.

Indianapolis, IN 46204
(317) 232-6895

Charles L. Berger
Berger & Berger LLP
313 Main St.
Evansville, IN 47708
(812) 425-8101 Ext. 12

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

Dean Lauren K. Robel
211 S. Indiana Ave.
Maurer School of Law
Indiana University
Bloomington, IN 47405
(812) 855-8885

Martha S. Hollingsworth
Bingham McHale LLP
2700 Market Tower
10 W. Market St.
Indianapolis, IN 46204
(317) 635-8900

Lic. Rodrigo Sanchez-Mejorada V.
Paseo de la reforma 450
Lomas de Chapultepec
11000 Mexico DF Mexico
+52 55 5202-0777
(45th President of Phi Delta Phi Legal Fraternity)

(Alternate Address)
Monterrey, Nuevo León Office
Río Grijalva Norte 212-106
Colonia del Valle
66220 San Pedro Garza García.
+52 81 1352-8990

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

None

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

None

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

No other permanent state bar admissions.

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

None

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

All tax forms and taxes current

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes

6/23/2010
DATE

Karl L. Mulvaney
APPLICANT'S SIGNATURE

KARL L. MULVANEY
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6/23/2010
DATE

Karl L. Mulvaney
APPLICANT'S SIGNATURE

KARL L. MULVANEY
PRINTED NAME